IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33608 of 2007(A)

LAR.129/2005 of SUB COURT, ERNAKULAM

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PETITIONERS:

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1. SURAJA, W/O.GANGAN (LATE),
   AGED 65 YEARS, OORALATH, EDAPPALLY,
   KOCHI-24.

2. SREEJA, D/O.GANGAN (LATE),
   AGED 38 YEARS, OORALATH, EDAPPALLY,
   KOCHI-24.

3. PREETHI, D/O.GANGAN (LATE),
   AGED 36 YEARS, DO. DO.

BY ADV. SRI.S.SREEKUMAR
SRI.P.MARTIN JOSE

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE SPECIAL TAHSILDAR (L.A), N.H-III,
KAKKANAD.

BY GOVT. PLEADER SMT. R.BINDU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.33608 of 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Third Additional Subordinate Court, Ernakulam to dispose of Ext.P3 application, that is, I.A.No.7027 of 2007 before pronouncement of the judgment in L.A.R.No.129 of 2005 and L.A.R.No.168 of 2005.

2. Grievance of the writ petitioners is that when Ext.P3 application was filed the court without passing an order took the matter for judgment. Another application was filed to advance and though it was advanced, again the court posted the I.A. along with the L.A.Rs. for orders. The interim application is one for remitting the Commissioner's report. Under ordinary circumstances, when an interim application is filed seeking for relief which has got a definite bearing with the subject matter of the suit, necessarily an order has to be passed on that application

first before pronouncing the judgment in the case.

2. Therefore, I direct the Third Additional Subordinate Judge, Ernakulam to dispose of Ext.P3 application, that is, I.A.No.7027 of 2007 first and thereafter pronounce the judgment in L.A.R.Nos.129 of 2005 and 168 of 2005 bearing in mind the principles that a party aggrieved by any decision must have sufficient time to work out the remedy.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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